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FM AMEMBASSY TIRANA
TO RUEHC/SECSTATE WASHDC PRIORITY 7415
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RHCHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RUEHNO/USMISSION USNATO PRIORITY 3527
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
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RHEHAAA/WHITE HOUSE WASHDC PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TIRANA 000675

SIPDIS

E.O. 12958: DECL: 09/05/2018
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SUBJECT: PM BERISHA'S DEMOCRATIC BACKSLIDING

REF: TIRANA 452

Classified By: Ambassador John L. Withers, reasons 1.4 (b) and (d)

1. (C) SUMMARY: Since the Bucharest Summit in April, Prime Minister Berisha has embarked on a series of attempts to consolidate his power at the expense of key independent institutions, including efforts to undermine and interfere in the work of the Prosecutor General, obstruct the ongoing investigation into the March Gerdec explosion, take greater control of the intelligence services, and muzzle free media. There are several factors apparently motivating Berisha in this trend: fear that the ongoing Gerdec investigation will implicate his son; a desire to strengthen his hand in the run-up to next summer's parliamentary election; and the erroneous perception that Albania's NATO invitation has lifted international scrutiny from Albania, giving Berisha a perceived green light to step back from democratic reforms.
END SUMMARY.

Pressure on the Prosecutor General

2. (SBU) Prosecutors accuse Ina Rama of a near constant targeting of her sine qua non, including:

- Publicly and privately, Berisha ally and Speaker of the Assembly, who ordered Democratic Party (DP) to walk out on the PG's address to the Prime Minister and then cleared the diplomatic mission (including embassy OPDAT Advisor) so that foreigners would be seen when the session was broadcast on TV. Topalli also sent an open letter to Rama, directing the PG on how to carry out the Gerdec investigation.

- The new draft PG law, which seeks to undermine the independence and status of the PG by providing for the automatic suspension of lower-level prosecutors accused of any crime, no matter how minor (thereby taking away PG's discretion in removing line prosecutors); reducing the pay of the PG; and increasing political control over prosecutors by the Ministry of Justice by adding another MOJ representative to the Council of the Prosecutor's Office. The original draft law, which was much worse, was only reluctantly changed by drafters after strong private and public opposition by the Embassy and others in the foreign diplomatic community.

Interference in the Gerdec Investigation

3. (C) PM Berisha and Speaker Topalli have tried both publicly and privately to obstruct efforts by the PG and others to fully investigate the March Gerdec explosion:

- Both Berisha and Topalli tried unsuccessfully to obstruct PG Rama's efforts to convince Parliament to strip former Minister of Defense Mediu of his immunity, a key target of the investigation.

- Berisha's DP allies in Parliament rejected all five of President Topi's nominees for the High Court (the court which

will pass judgment on Mediu's trial in connection with Gerdec) for no discernible reason (reftel) - but later under pressure approved a compromise slate agreed upon by both Berisha and Topi. According to the constitution, Topi alone has the right to nominate judges to the High Court, which must be approved by Parliament.

- The Deputy Head of the High Council of Justice, which plays a major role in the nomination and supervision of judges, told the Ambassador that Berisha had angrily confronted him and accused him of "limiting the government's influence over the judiciary," then threatened to have the Deputy Head removed from office and "publicly ruined."

Increased Control Over the Intel Services

¶4. (C) Shortly after the Gerdec explosion, Berisha began a public campaign to blame the state intelligence service (SHISH) for the tragedy, then used Gerdec as an excuse to push to make SHISH subordinate to a new Department of Security that would report directly to the PM. At the same time, the Parliament approved the strengthening of the Ministry of Interior Internal Service - fully controlled by

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the PM - and which has legal authority to carry out wiretapping and domestic intelligence gathering. Post has learned that a new draft intelligence law, designed to weaken SHISH further, is in the works.

Increased Pressure on Independent Media

¶5. (SBU) Recent weeks have seen an increase in pressure on broadcast media:

- The Ministry of Culture is trying to force Albania's most popular independent media outlet Top Channel - often a critic of the Berisha administration - out of its current offices, in violation of a legal lease Top Channel signed with the building's landlord, the Ministry of Economy (the building, the former tomb of Enver Hoxha, is listed as a historic landmark and thus under the jurisdiction of the Ministry of Culture). The Minister of Culture reportedly told Top Channel's director that he had been directed by Berisha to expel Top Channel from the building or lose his job.

- On September 1, numerous TV outlets in Tirana received letters from the National Council on Radio and Television (NCRT) (equivalent to the U.S. FCC) instructing them not to run an ad critical of the government. The ad was paid for by a legally registered NGO, G99. One station has already been fined for running the ad. According to the law, ads by political organizations - but not NGOs - are subject to regulation by electoral laws. G99 is challenging the NCRT ruling.

- An OSCE review has determined that a new draft media law could increase "the level of political control by the government" over the media and potentially lead to the closure of a pro-opposition TV station in Tirana. The draft law would also undermine the independence of Albanian state TV and the NCRT.

¶6. (C) COMMENT: Taken together, Berisha's attempts to assert greater control over the judicial system, media and intelligence services, plus his attempts to undermine the Gerdec investigation, reveal an unmistakable and disturbing trend. The common denominator seems to be an attempt to negate the ability of key institutions to voice opinions of take actions contrary to the views of the PM. His immediate objectives seem to be to control the Gerdec investigation, in that SHISH, the courts, the PG and the media all play a major role in exposing the shady business deals and corruption that led to the March explosion, as well as and most importantly possible links to Berisha's son, who is rumored to have had a business interest in Gerdec. A second motivation is certainly Berisha's wish to control the upcoming parliamentary elections, which are currently scheduled for June of 2009. The Embassy has raised USG concerns about such counterproductive moves on the part of a potential NATO ally

in private conversations with senior GOA officials, including Berisha himself, and in occasional public statements, as have increasingly key international players, including OSCE, EC, human rights groups, and other NGOs. These efforts have had some success in stemming the tide. However, with next year's election likely to be close and the Gerdec investigation creeping nearer to implicating the PM's family members, Berisha's forays against independent institutions are likely to be ongoing. We must make sure he understands how carefully we are watching.

WITHERS